

EXHIBIT B

1481CV04325 Mathews, Premila J. vs. Hardy ,M.D., Roger Ian et al

Case Type	Torts
Case Status	Open
File Date	04/23/2014
DCM Track:	A - Average
Initiating Action:	Malpractice - Medical / Wrongful Death
Status Date:	04/23/2014
Case Judge:	
Next Event:	07/02/2018

All Information	Party	Event	Tickler	Docket	Disposition
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Party Information

Mathews, Premila J. - Plaintiff

Alias

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Hardy ,M.D., Roger Ian - Defendant

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Party Attorney

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Fertility Centers of New England LLC - Defendant

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Cardone, M.D., Vito - Defendant

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Vito Cardone, M.D - Other interested party

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Party Attorney

[More Party Information](#)

Medical Professional Mutual Insurance Company - Other interested party

Alias

Party Attorney

[More Party Information](#)

Events					
Date	Session	Location	Type	Event Judge	Result
08/24/2015 02:00 PM	Civil B Rm 720	Courtroom 720	Motion Hearing to Compel		Held as Scheduled
01/27/2016 02:00 PM	Civil B Rm 720		Damage Assessment Hearing		Not Held
12/01/2016 02:00 PM	Civil B Rm 720		Rule 12 Hearing		Rescheduled
12/01/2016 02:00 PM	Civil B Rm 720		Rule 12 Hearing		Rescheduled
12/05/2016 02:00 PM	Civil B Rm 720		Rule 12 Hearing		Held as Scheduled
12/05/2016 02:00 PM	Civil B Rm 720		Rule 12 Hearing		Held as Scheduled
03/28/2017 09:00 AM	Civil A Rm 710	Courtroom 710	Malpractice Tribunal	Barry-Smith, Hon. Christopher K	Canceled
05/18/2017 02:00 PM	Civil B Rm 720	Courtroom 720	Final Pre-Trial Conference	Billings, Hon. Thomas P	Held as Scheduled
10/03/2017 02:00 PM	Civil B Rm 720	Courtroom 720	Hearing for Judgment on Pleading		Rescheduled
10/03/2017 02:00 PM	Civil B Rm 720	Courtroom 720	Rule 56 Hearing		Rescheduled
11/20/2017 02:00 PM	Civil B Rm 720	Courtroom 720	Rule 56 Hearing		Held as Scheduled
11/20/2017 02:00 PM	Civil B Rm 720	Courtroom 720	Hearing for Judgment on Pleading		Held as Scheduled
11/30/2017 02:00 PM	Civil B Rm 720	Courtroom 720	Rule 56 Hearing	Billings, Hon. Thomas P	Held as Scheduled
Final Trial Conference					

Date	Session	Location	Type	Event Judge	Result
07/02/2018 02:00 PM	Civil B Rm 720				
07/09/2018 09:00 AM	Civil B Rm 720		Jury Trial		

Ticklers

Tickler	Start Date	Due Date	Days Due	Completed Date
Service	04/23/2014	04/23/2015	365	
Answer	04/23/2014	05/26/2015	398	
Rule 12/19/20 Served By	04/23/2014	10/21/2014	181	05/18/2017
Rule 12/19/20 Filed By	04/23/2014	11/21/2014	212	05/18/2017
Rule 12/19/20 Heard By	04/23/2014	12/22/2014	243	05/18/2017
Rule 15 Served By	04/23/2014	07/22/2015	455	05/18/2017
Rule 15 Filed By	04/23/2014	08/24/2015	488	05/18/2017
Rule 15 Heard By	04/23/2014	08/24/2015	488	05/18/2017
Discovery	04/23/2014	05/12/2016	750	
Rule 56 Served By	04/23/2014	06/12/2016	781	05/18/2017
Rule 56 Filed By	04/23/2014	07/11/2016	810	05/18/2017
Final Pre-Trial Conference	04/23/2014	11/09/2016	931	05/18/2017
Judgment	04/23/2014	04/07/2017	1080	
Under Advisement	12/05/2016	01/04/2017	30	04/04/2017
Under Advisement	12/05/2016	01/04/2017	30	04/04/2017
Under Advisement	11/20/2017	12/20/2017	30	02/27/2018
Under Advisement	11/20/2017	12/20/2017	30	02/27/2018
Under Advisement	11/30/2017	12/30/2017	30	02/27/2018

Docket Information

Docket Date	Docket Text	File Ref Nbr.
04/23/2014	Complaint & civil action cover sheet filed	1
04/23/2014	Origin 1, Type B06, Track A.	
07/21/2014	Plaintiff Premila J. Mathews's MOTION to extend time to file the return of service of process by thirty (30) days until August 22, 2014, Affidavit of counsel in support.	2
07/23/2014	Motion (P#2) Allowed. (Kenneth V. Desmond Jr., Justice). Notices mailed 7/23/2014 (Corrected Notice sent 7/28/14)	
08/20/2014	Plaintiff Premila J. Mathews's MOTION to extend the time to file the return of service and amend all tracking deadlines, Affidavit in support.	3
08/26/2014	Motion (P#3) Allowed. (Kenneth V. Desmond Jr., Justice dated 8/22/14) Entered and Notices mailed 8/26/2014	
09/08/2014	Amended complaint and jury trial.	4

Docket Date	Docket Text	File Ref Nbr.
09/22/2014	Plaintiff's MOTION to extend time to serve the complaint and file the return by 30 days.	5
09/24/2014	Motion (P#5) ALLOWED. Dated: September 24, 2014 (Kenneth V. Desmond Jr., Justice) Notices mailed 9/24/2014	
10/01/2014	SERVICE RETURNED: Fertility Centers of New England LLC(Defendant)9/19/14, in hand to Alician Cornello, agent, 20 Pond Meadow Dr., Ste.101, Reading, MA 01867	6
10/23/2014	Plaintiff's MOTION to extend time to serve the Complaint and File The Return By 30 Days, by November 22, 2014; Affidavit In Support of Plaintiff's MOTION to extend time to serve the Complaint and File The Return By 30 Days	7
10/27/2014	Motion (P#7) Allowed. No need to extend tracking order at this time. (Robert L. Ullmann, Justice). Notices mailed 10/27/2014	
10/28/2014	ANSWER (amended complaint): Fertility Centers of New England LLC and jury demand	8
10/28/2014	Atty Robert L. Bouley's notice of appearance for Fertility Centers of New England LLC	
10/28/2014	Atty Mark E Burke's notice of appearance for Fertility Centers of New England LLC	
10/28/2014	Atty Nicholas J DiMauro's notice of appearance for Fertility Centers of New England LLC	
11/18/2014	Plaintiff Premila J. Mathews's MOTION For Order Of Notice And To Extend The Time To Serve the complaint and file the return by 30 days on defendant Roger I. Hardy; Affidavit in support of Plaintiff Premila J. Mathews's MOTION For Order Of Notice And To Extend The Time To Serve the complaint and file the return by 30 days	9
12/05/2014	Opposition of non-party promutual to plaintiff's motion for leave to serve defendant Roger . Hardy by service on promutual.	10
12/30/2014	Motion (P#9) Allowed in part. Plaintiff has until January 30, 2015 to serve the complaint as set forth in Mass. R. Civ. P. 4. Plaintiff has thus far failed to demonstrate that she made a diligent effort to serve Roger Hardy. Under no circumstance may plaintiff make service on Dr. Hardy via Pro Mutual. (Kimberly S. Budd, Justice dated 12/24/14) Entered and notice sent 12/30/14	
01/26/2015	Appearance entered On this date Nicholas J Di Mauro, Esq. added for Defendant Fertility Centers of New England LLC	
01/26/2015	Appearance entered On this date Lynne M. Chiodo, Esq. added for Plaintiff Premila J. Mathews	
03/09/2015	Plaintiff Premila J. Mathews's Motion for ("Amended Motion") order of notice and to extend the time to serve the complaint and file the return by 30 days.	11
03/09/2015	Affidavit of Djuna Perkins, Esquire, counsel for the plaintiff in support of plaintiff's amended motion for order of notice and to extend the time to file the return of service.	11.1
03/16/2015	Opposition to paper #11.0 Amended motion to extend service deadline filed by plaintiff. filed by Roger Ian Hardy ,M.D. "Opposition of non-party promutual to plaintiff's "amended" motion for leave to serve defendantdefendant Roger I Hardy by service on promutual."	12
03/23/2015	Endorsement on Motion for Order of Notice (#11.0): ALLOWED The motion is ALLOWED and the plaintiff's time for serving the Amended Complaint is extended by 45 days. Pursuant to M.R.C.P. 4(e), service may be made by (a) USPS PRIORITY MAIL TO Leawood, KS address AND (b) delivering a copy in hand to a person at the Leawood, KS residence. Both methods are	

Docket Date	Docket Text	File Ref Nbr.
	required. The court permits this service as designed to reasonably assure proper notice. Dated: April 2, 2015 Notices mailed 4/7/2015	
05/26/2015	Service Returned for Defendant Hardy, M.D., Roger Ian: Service made at last and usual; 5/12/15 6726 W 126th Court, Overland Park, KS 66209	13
06/08/2015	Appearance entered On this date Vincent P Dunn, Esq. added as Private Counsel for Other interested party Board of Registration in Medicine	
06/08/2015	Plaintiff Premila J. Mathews's Motion to Compel the Board of Registration in Medicine to Disclose Identities of Non-Patient Witnesses	14
06/08/2015	Opposition to paper #14.0 Interested Non-Party opposition to Plff's Motion to Compel the Board of Registration in Medicine to Disclose Identities of Non-Patient Witnesses and Motion for a Protective Order filed by Applies To: Board of Registration in Medicine (Other interested party)	14.1
06/08/2015	Board of Registration in Medicine's Memorandum in support of Interested Non-Party opposition to Plff's Motion to Compel the Board of Registration in Medicine to Disclose Identities of Non-Patient Witnesses and Motion for a Protective Order	14.2
06/08/2015	Brief filed: Reply Plff's Sur-Reply to Interested Non-Party opposition to Plff's Motion to Compel, Motion to Quash Subpoena and Motion for a Protective Order Applies To: Mathews, Premila J. (Plaintiff)	14.3
06/08/2015	Affidavit of compliance with Superior Court Rule 9A Applies To: Perkins, Esq., Djuna E (Attorney) on behalf of Mathews, Premila J. (Plaintiff)	14.5
06/12/2015	Appearance entered On this date Thomas F. Bright, II, Esq. added as Private Counsel for Other interested party Board of Registration in Medicine	
08/24/2015	Event Result: The following event: Motion Hearing to Compel scheduled for 08/24/2015 02:00 PM has been resulted as follows: Result: Held as Scheduled Appeared:	
08/24/2015	Endorsement on Motion to Compel The Board of Registration in medicine to Disclose Identities of Non Patient Witnesses (#14.0): ALLOWED After Hearing	
10/21/2015	Plaintiff Premila J. Mathews's Motion for entry of default against defendant Roger I Hardy	15
10/21/2015	Affidavit filed by Plaintiff Premila J. Mathews in support of Plaintiff Premila J. Mathews's Motion for entry of default against defendant Roger I Hardy	15.1
10/21/2015	Plaintiff Premila J. Mathews's Application for default judgment against defendant Roger Hardy MD	16
10/21/2015	Affidavit filed by Plaintiff Premila J. Mathews in support of Plaintiff Premila J. Mathews's Application for default judgment against defendant Roger Hardy MD	16.1
10/21/2015		16.2

Docket Date	Docket Text	File Ref Nbr.
	Certificate of Compliance Superior Court Rule 9A Applies To: Mathews, Premila J. (Plaintiff)	
10/27/2015	Endorsement on Motion for Entry of Default (#15.0): ALLOWED Dated: October 27, 2015	
10/29/2015	Document:	
12/02/2015	Plaintiff(s) Premila J. Mathews's Request to postpone filing a motion for assessment of damages and default judgement.	17
12/22/2015	Event Result: The following event: Damage Assessment Hearing scheduled for 01/27/2016 02:00 PM has been resulted as follows: Result: Not Held Reason: Request of Plaintiff	
01/07/2016	Appearance entered On this date Robert Laurent Bouley, Esq. dismissed/withdrawn as Private Counsel for Defendant Fertility Centers of New England LLC	
02/12/2016	Appearance entered On this date Edward F Foye, Esq. added for Defendant Fertility Centers of New England LLC	
05/18/2016	Plaintiff Premila J. Mathews's Motion to amend the Complaint To Add Joseph Hill, M.D. And Viti Cardone, M.D. as Individual Defendants	18
05/18/2016	Opposition to Plaintiff Premila J. Mathews's Motion to amend the Complaint. filed by	18.1
05/18/2016	Request for hearing filed Applies To: Mathews, Premila J. (Plaintiff)	18.2
05/18/2016	Opposition to Plaintiff Premila J. Mathews's Motion to amend the Complaint To Add Joseph Hill, M.D. And Viti Cardone, M.D. as Individual Defendants filed by Vito Cardone, M.D	18.3
05/18/2016	Affidavit of compliance with Superior Court Rule 9A Applies To: Mathews, Premila J. (Plaintiff)	18.4
05/18/2016	Plaintiff(s) Premila J. Mathews's Motion for a Real Estate Attachment	19
05/18/2016	Opposition to Plaintiff(s) Premila J. Mathews's Motion for a Real Estate Attachment filed by Vito Cardone, M.D	19.1
05/24/2016	Endorsement on Motion to Amend the Complaint to Add Joseph Hill, M.D. and Vito Cardone, M.D. as Individual Defendants (#18.0): ALLOWED on the papers. (Thomas P. Billings, Justice) copies mailed 5/24/16	
05/24/2016	Amended: Second amended complaint filed by Premila J. Mathews	20
05/24/2016	Endorsement on Motion for Approval of Attachment of Real Property (#19.0): DENIED on the papers. (Thomas P. Billings, Justice) copies mailed 5/24/16	
05/24/2016	Party status: Other interested party Vito Cardone, M.D: Inactive;	21
06/06/2016	Request for medical malpractice tribunal filed by party for: Other Applies To: Fertility Centers of New England LLC (Defendant)	22
06/06/2016	Request for medical malpractice tribunal filed by party for: Other Applies To: Hill, M.D., Joseph (Defendant)	23

Docket Date	Docket Text	File Ref Nbr.
06/16/2016	Opposition to Defendants, Fertility Centers of New England, LLC, and Joseph Hill, M.D.'s Request for Medical Malpractice Tribunal filed by Premila J. Mathews	24
06/22/2016	Received from Defendant Hill, M.D., Joseph: Answer to amended complaint;	53
06/27/2016	Defendant's Notice of intent to file motion to dismiss. Applies To: Fertility Centers of New England LLC (Defendant)	25
06/27/2016	Defendants Fertility Centers of New England LLC, Joseph Hill, M.D.'s Response to Plaintiff's Attempt to Strike Their Request for a Medical Malpractice Tribunal	27
06/28/2016	Endorsement on Request for Medical Malpractice Tribunal, filed by Defendant Fertility Centers of New England, LLC (#22.0): DENIED for substantially the reasons stated in the plaintiffs' opposition.	
06/28/2016	Received from Defendant Fertility Centers of New England LLC: Answer to second amended complaint;	26
06/29/2016	Service Returned for Defendant Hill, M.D., Joseph: Service accepted by counsel;	28
07/08/2016	Defendant's Notice of intent to file motion To Dismiss Counts II, III and V of the Plaintiff's Second Amended Complaint On July 6, 2016. Applies To: Cardone, M.D., Vito (Defendant)	
07/11/2016	Request for medical malpractice tribunal filed by party for: Gynecology, Obstetrics Applies To: Cardone, M.D., Vito (Defendant)	29
07/21/2016	Opposition to Defendant, Vito Cardone, M.D.'s Request for Medical Malpractice Tribunal filed by Premila J. Mathews	30
08/04/2016	Defendant Vito Cardone, M.D.'s Response to plaintiff's request to strike defendant's request for a medical malpractice tribunal.	31
08/10/2016	Defendant Vito Cardone, M.D.'s Motion to dismiss counts II, III and V of the second amended complaint.	32
08/10/2016	Premila J. Mathews's Memorandum in opposition to P#32 motion.	32.1
08/10/2016	Affidavit of compliance with Superior Court Rule 9A Applies To: Glahn, Esq., Brooks Lawrence (Attorney) on behalf of Cardone, M.D., Vito (Defendant)	32.2
08/10/2016	Attorney appearance On this date Brooks Lawrence Glahn, Esq. added for Defendant Vito Cardone, M.D.	
08/17/2016	Defendant Joseph Hill, M.D.'s Motion to dismiss Count II, III and V of the Second Amended Complaint	33
08/17/2016	Joseph Hill, M.D.'s Memorandum in support of Motion to dismiss Count II, III and V of the Second Amended Complaint	33.1
08/17/2016	Premila J. Mathews's Memorandum in opposition to Def't's Motion to dismiss Count II, III and V of the Second Amended Complaint	33.2
08/17/2016	Joseph Hill, M.D.'s Reply Memorandum in support of Motion to dismiss Count II, III and V of the Second Amended Complaint	33.3
08/17/2016	Defendant, Plaintiff Joseph Hill, M.D., Premila J. Mathews's Assented to Motion to Seal Exhibit 1 to the Reply Memorandum in support of Def't's Motion to dismiss Count II, III and V of the Second Amended Complaint	34
08/17/2016	Affidavit of Edward Foye in Support of Dr. Joseph Hill's "Assented to Motion to Seal Exhibit 1 to the 'Reply Memorandum in Support of Defendant Joseph Hill's Motion to dismiss Counts II, III and V of the Second Amended Complaint'".	34.1
08/26/2016		

Docket Date	Docket Text	File Ref Nbr.
	Endorsement on Motion to Seal Exhibit 1 to the "Reply Memorandum in Support of Defendant Joseph Hill's Motion to Dismiss Counts II, III and V of the Second Amended Complaint" (#34.0): ALLOWED Exhibit 1 to the Reply Memorandum shall be impounded until further order of the Court.	
08/26/2016	General correspondence regarding (SEALED) Exhibit 1 to the "Reply Memorandum in Support of Defendant Joseph Hill's Motion to Dismiss Counts II, III and V of the Second Amended Complaint"	
12/01/2016	Event Result: The following event: Rule 12 Hearing scheduled for 12/01/2016 02:00 PM has been resulted as follows: Result: Rescheduled Reason: Not reached by Court	
12/01/2016	Event Result: The following event: Rule 12 Hearing scheduled for 12/01/2016 02:00 PM has been resulted as follows: Result: Rescheduled Reason: Not reached by Court	
12/05/2016	Matter taken under advisement The following event: Rule 12 Hearing scheduled for 12/05/2016 02:00 PM has been resulted as follows: Result: Held - Under advisement	
12/05/2016	Matter taken under advisement The following event: Rule 12 Hearing scheduled for 12/05/2016 02:00 PM has been resulted as follows: Result: Held - Under advisement	
12/14/2016	Defendant Fertility Centers of New England LLC's Motion to Compel Further Answer To Interrogatories And To Require A Supplemental Production Of Documents (Memorandum Inc.)	35
12/14/2016	Plaintiff Premila J. Mathews's Response to Defendant Fertility Centers of New England LLC's Motion to Compel Further Answer To Interrogatories And To Require A Supplemental Production Of Documents (Memorandum Inc.)	35.1
12/14/2016	Brief filed: Reply Memorandum To "Plaintiff's Response To FCNE'S Motion To Compel" Applies To: Fertility Centers of New England LLC (Defendant)	35.2
12/23/2016	Endorsement on Motion to Compel Further Answers to Interrogatories and to Require A Supplemental Production of Documents (Memorandum Incorporated) (#35.0): Other action taken Allowed in part, Plaintiff shall supplement her answers to interrogatories 2(f), 5, 6,8,9,11,12 and 13A with 10 days of this Court's order. Plaintiff shall supplement her responses to 2 (a) to (e) within 30 days of this Court's order. Plaintiff shall update her production of medical records within 30 days of this Court's Order. Plaintiff shall produce all responsive documents relating to any damages she intends to seek at trial with 30 days of this order. Failure to provide documents may result in plaintiff being precluded from seeking certain types of relief. (Kazanjian, J.) Dated 12-20-16 and copies mailed 12/23/16	
01/03/2017	Plaintiff Premila J. Mathews's EMERGENCY Motion to extend time to comply with Court's Order of December 20, 2016, by ten days.	36
01/03/2017	Affidavit of Counsel	36.1
01/04/2017	Endorsement on Motion to Extend Time to Comply with Court's Order of December 20, 2016, by ten days. Emergency Motion filed by the Plaintiff. (#36.0): ALLOWED	
01/05/2017	Opposition to Plaintiff's Motion to Enlarge time to file Answers to Interrogatories filed by Applies To: Fertility Centers of New England LLC (Defendant); Hill, M.D., Joseph (Defendant)	37
02/21/2017	ORDER for medical malpractice tribunal for Obstetrics, with Hon. Christopher K Barry-Smith presiding, Patricia Falcao, M.D. 19 Pine Street Needham, MA 02492 and Sharon Bryce DeGuglielmo, Esq. Applies To: Glahn, Esq., Brooks Lawrence (Attorney) on behalf of Cardone, M.D., Vito (Defendant); Perkins, Esq., Djuna E (Attorney) on behalf of Mathews, Premila J. (Plaintiff); Dunn, Esq., Vincent P (Attorney) on behalf of Board of Registration in Medicine (Other interested party); Chiodo, Esq., Lynne M. (Attorney) on behalf of Mathews, Premila J. (Plaintiff); Foye, Esq., Edward F (Attorney) on behalf of Fertility Centers of New England LLC (Defendant); Di Mauro, Esq., Nicholas J (Attorney) on behalf of	

Docket Date	Docket Text	File Ref Nbr.
	Fertility Centers of New England LLC (Defendant); Burke, Esq., Mark E (Attorney) on behalf of Fertility Centers of New England LLC (Defendant); Gediman, Esq., Scott (Attorney) on behalf of Mathews, Premila J. (Plaintiff); Bouley, Esq., Robert Laurent (Attorney) on behalf of Fertility Centers of New England LLC (Defendant); Bright, II, Esq., Thomas F. (Attorney) on behalf of Board of Registration in Medicine (Other interested party)	
02/24/2017	Defendant Joseph Hill, M.D., Fertility Centers of New England LLC's Assented to Motion to seal pleadings containing sensitive personal information	38
02/24/2017	Affidavit of of counsel, Edward Foye pursuant to Uniform Rules of Impoundment Procedure Rule 2(b)	38.1
03/01/2017	Endorsement on Motion to Seal Pleadings Contained Sensitive Personal Information (#38.0): ALLOWED for good cause shown the designated materials are to be impounded until the motion to quash has been decided and then will be returned to the counsel for the plaintiff. (Henry, J.) copies mailed 3/1/17	
03/08/2017	Defendant Fertility Centers of New England LLC, Joseph Hill, M.D.'s Motion for Protective Order	39
03/08/2017	Opposition to Defendant Joseph Hill, M.D.'s to Motion to Quash Subpoena with attached Affidavit and Exhibit filed by FILED UNDER SEAL Applies To: Mathews, Premila J. (Plaintiff)	39.1
03/08/2017	Brief filed: Reply memorandum In Support Of Defendants' Motion For A Protective Order FILED UNDER SEAL Applies To: Fertility Centers of New England LLC (Defendant); Hill, M.D., Joseph (Defendant)	39.2
03/13/2017	Plaintiff Premila J. Mathews's Request to Vacate Order For medical Malpractice Tribunal	40
03/17/2017	Endorsement on Motion for Protective Order (#39.0): ALLOWED The Plaintiff has not established that the requested discovery is reasonably likely to lead to the discovery of new relevant admissible evidence. The affidavit of counsel citing unnamed sources is insufficient to support the discovery by the plaintiff. (Henry, J.) Dated 3/15/17 and copies mailed 3/17/17	
03/20/2017	Opposition to Plaintiff Premila J. Mathews's Request to Vacate Order For medical Malpractice Tribunal (Re:P#40) filed by Applies To: Hill, M.D., Joseph (Defendant)	41
03/20/2017	Opposition to Plaintiff Premila J. Mathews's Request to Vacate Order For medical Malpractice Tribunal filed by Applies To: Vito Cardone, M.D (Other interested party)	42
03/21/2017	Pleading titled, Plaintiff's Opposition to Motion to Quash Subpoena with Attached Affidavit and Exhibit (Pleading #39.1 and Reply Memorandum in Support of Defendants' Motion for a Protective Order (Pleading #39.2) SEALED DOCUMENTS, filed with the court on 03/08/2017, returned to Edward F Foye, Esq.	
03/21/2017	Endorsement on Request to Vacate Order for Medical Malpractice Tribunal, filed by the Plaintiff (#40.0): ALLOWED This case is unlike Bing v. Drexler, 69 Mass. App. Ct. 186, 190 (2007), in which the claims included allegations that the medical practice's "supervising physician" was liable both under a respondeat superior theory and because he supervised the plaintiff's treating physician in the plaintiff's case; the latter, then Appeals Court ruled, was within the Tribunal's jurisdiction. The claims in the present case against Drs. Hill and Cardone, by contrast, are based on their ownership of the clinic and their alleged failure to respond to reports of sexual assaults by Dr. Hardy on other patients. There is no claim that these defendants assisted, supervised, or counseled Dr. Hardy in his treatment of the plaintiff. These claims, and those alleging respondeat superior (see DiGiovanni v. Latimer, 390 Mass. 265, 272 & n.2 (1983), concern management issues, not whether these defendants "conform[ed] to accepted medical standards in performing [their] duties with regard to the patient." Perez v. Bay State Ambulance & Hosp. Rental Service, Inc., 413 Mass. 670, 676 (1992).	
03/22/2017	Event Result: The following event: Malpractice Tribunal scheduled for 03/28/2017 09:00 AM has been resulted as follows:	

Docket Date	Docket Text	File Ref Nbr.
	Result: Canceled Reason: By Court prior to date - Vacate Order for Tribunal, Judge T. Billings	
04/04/2017	MEMORANDUM & ORDER: MEMORANDUM AND ORDER ON DEFENDANTS' MOTIONS TO DISMISS	43
05/01/2017	Attorney appearance On this date Brooks Lawrence Glahn, Esq. dismissed/withdrawn for Defendant Vito Cardone, M.D.	
05/01/2017	Attorney appearance On this date Andrea Lynn Davulis, Esq. added for Defendant Vito Cardone, M.D.	
05/01/2017	Plaintiff(s) Premila J. Mathews motion filed to compel Discovery	44
05/01/2017	Opposition to #44 motion. filed by Fertility Centers of New England LLC, Joseph Hill, M.D.	44.1
05/01/2017	Plaintiff Premila J. Mathews's Reply to the defendant Fertility Centers of New England LLC, Joseph Hill, M.D.'s opposition to #44 motion.	44.2
05/01/2017	Affidavit of in support of Plaintiffs Reply to the defendant Fertility Centers of New England LLC, Joseph Hill, M.D.'s opposition to #44 motion. Applies To: Perkins, Esq., Djuna E (Attorney) on behalf of Mathews, Premila J. (Plaintiff)	44.3
05/01/2017	Rule 9A list of documents filed.	44.4
05/09/2017	Endorsement on motion to compel Discovery (#44.0): DENIED without hearing	
05/11/2017	Attorney appearance On this date Ellen Epstein Cohen, Esq. added for Defendant Vito Cardone, M.D.	
05/17/2017	Defendant Joseph Hill, M.D., Fertility Centers of New England LLC's Motion to Enlarge Time For Service Of Motions For Summary Judgment; (Memorandum Inc.)	45
05/17/2017	Opposition to Defendant Joseph Hill, M.D., Fertility Centers of New England LLC's Motion to Enlarge Time For Service Of Motions For Summary Judgment; (Memorandum Inc.) filed by Applies To: Mathews, Premila J. (Plaintiff)	45.1
05/17/2017	Defendant Fertility Centers of New England LLC, Joseph Hill, M.D.'s Reply, Memorandum of Defendant Joseph Hill, M.D., Fertility Centers of New England LLC's Motion to Enlarge Time For Service Of Motions For Summary Judgment	45.2
05/17/2017	Affidavit of Edward Foye Of No Opposition Received From Co-Defendnat Vito Cardone, M.D.	45.3
05/18/2017	Event Result: The following event: Final Pre-Trial Conference scheduled for 05/18/2017 02:00 PM has been resulted as follows: Result: Held as Scheduled	
05/18/2017	Joint Pre-Trial Memorandum filed:	46
05/18/2017	ORDER: ORDER TO APPEAR FOR JURY TRIAL AND FINAL TRIAL CONFERENCE	47
05/18/2017	Defendant Fertility Centers of New England LLC, Joseph Hill, M.D.'s Motion for Judgment Of The Pleadings On Count V	48
05/18/2017	Fertility Centers of New England LLC, Joseph Hill, M.D.'s Memorandum in support of Motion for Judgment Of The Pleadings On Count V	48.1
05/18/2017	Premila J. Mathews's Memorandum in opposition to Defendant Fertility Centers of New England LLC, Joseph Hill, M.D.'s Motion for Judgment Of The Pleadings On Count V	48.2
05/18/2017	Affidavit of Edward Foye	48.3
05/18/2017	Joint Pre-Trial Memorandum filed: Accepted; Final Trial Conference on July 2, 2018 at 2:00 P.M.; Trial on July 9, 2018.	51
05/18/2017	Endorsement on Motion to Enlarge Time for Service of Motions for Summary Judgment filed by Defendants Fertility Centers of New England, LLC and Dr. Joseph Hill (#45.0): ALLOWED	

Docket Date	Docket Text	File Ref Nbr.
	After hearing. Any non-defaulted defendant may serve summary judgment papers on or before July 21, 2017.	
05/19/2017	Received from Defendant Cardone, M.D., Vito: Answer to second amended complaint and jury demand	49
05/19/2017	Defendant Vito Cardone, M.D.'s Motion to Enlarge Time for service of Motion for summary judgment	50
05/19/2017	ORDER: ORDER TO APPEAR FOR JURY TRIAL AND FINAL TRIAL CONFERENCE	52
05/19/2017	Attorney appearance On this date Edward F Foye, Esq. added for Defendant Joseph Hill, M.D.	
05/19/2017	Attorney appearance On this date Nicholas J Di Mauro, Esq. added for Defendant Joseph Hill, M.D.	
05/19/2017	Received from Defendant Hill, M.D., Joseph: Answer to amended complaint;	54
06/29/2017	Defendant Vito Cardone, M.D.'s Supplement to Joint Pre-Trial Memorandum	55
09/15/2017	Defendant Vito Cardone, M.D.'s Motion for summary judgment, MRCP 56	56
09/15/2017	Statement of Undisputed Facts In Support of Defendant, Vito Cardone, Motion for Summary Judgment	56.1
09/15/2017	Vito Cardone, M.D.'s Memorandum of Law in Support of Defendant, Vito Cardone, M.D.'S Motion for Summary Judgement	56.2
09/15/2017	Premila J. Mathews's Memorandum of Law in Support of It's Opposition to Defendant, Vito Cardone's, Motion for Summary Judgment	56.3
09/15/2017	Affidavit filed by Plaintiff Premila J. Mathews in support of Plaintiff's Opposition to Defendant, Vito Cardone's, Motion for Summary Judgment	56.4
09/15/2017	Brief filed: Reply of Defendant, Vito Cardone, to Plaintiff's Memorandum of Law in Opposition to Defendants Motion for Summary Judgment Applies To: Cardone, M.D., Vito (Defendant)	56.5
09/15/2017	Affidavit of compliance with Superior Court Rule 9A Applies To: Cardone, M.D., Vito (Defendant)	56.6
09/15/2017	Vito Cardone, M.D.'s Joint Appendix of Exhibits Applies To: Cardone, M.D., Vito (Defendant)	
09/15/2017	Request for hearing filed on Defendants Motion for Summary Judgment Applies To: Cardone, M.D., Vito (Defendant)	56.7
09/26/2017	Event Result: The following event: Rule 56 Hearing scheduled for 10/03/2017 02:00 PM has been resulted as follows: Result: Rescheduled Reason: Not reached by Court	
09/26/2017	Event Result: The following event: Hearing for Judgment on Pleading scheduled for 10/03/2017 02:00 PM has been resulted as follows: Result: Rescheduled Reason: Not reached by Court	
10/23/2017	Attorney appearance On this date Mark E Burke, Esq. dismissed/withdrawn as Private Counsel for Defendant Fertility Centers of New England LLC	

Docket Date	Docket Text	File Ref Nbr.
11/01/2017	Defendant Fertility Centers of New England LLC, Joseph Hill, M.D.'s Motion for Summary Judgment	57
11/01/2017	Fertility Centers of New England LLC, Joseph Hill, M.D.'s Memorandum in support of Motion for Summary Judgment	57.1
11/01/2017	Statement of Undisputed Facts	57.2
11/01/2017	Premila J. Mathews's Memorandum in support of Motion for Summary Judgment	57.3
11/01/2017	Fertility Centers of New England LLC, Joseph Hill, M.D.'s Reply Memorandum Motion for Summary Judgment	57.4
11/01/2017	Affidavit of compliance with Superior Court Rule 9A Applies To: Fertility Centers of New England LLC (Defendant); Hill, M.D., Joseph (Defendant)	57.5
11/01/2017	List of exhibits Volume I	57.6
11/01/2017	List of exhibits Volume II	57.7
11/20/2017	Matter taken under advisement Judge: Billings, Hon. Thomas P The following event: Hearing for Judgment on Pleading scheduled for 11/20/2017 02:00 PM has been resulted as follows: Result: Held - Under advisement	
11/20/2017	Matter taken under advisement Judge: Billings, Hon. Thomas P The following event: Rule 56 Hearing scheduled for 11/20/2017 02:00 PM has been resulted as follows: Result: Held - Under advisement	
11/30/2017	Matter taken under advisement Judge: Billings, Hon. Thomas P The following event: Rule 56 Hearing scheduled for 11/30/2017 02:00 PM has been resulted as follows: Result: Held - Under advisement	
03/02/2018	MEMORANDUM & ORDER: OF DECISION ON DEFENDANT'S MOTION FOR JUDGMENT ON THE PLEADINGS: (which see 4 pages) ORDER: For the foregoing reasons, it is hereby ORDERED that the defendant Fertility Centers of New England, LLC's motion for judgment on the pleading on Count V (respondent superior) is ALLOWED. Judgment shall enter accordingly. (Thomas P. Billings, J.) Dated 2/27/18 Judge: Billings, Hon. Thomas P	58
03/02/2018	MEMORANDUM & ORDER: OF DECISION ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT: (which see 17 pages) ORDER: For the foregoing reasons, it is hereby ORDERED that Defendant Vito Cardone's Motion for Summary Judgment is ALLOWED with respect of Count VII (breach of fiduciary trust), but is otherwise DENIED. It is further ORDERED that Defendants Joseph Hill and Fertility Centers of New England, LLC's Motion for Summary Judgment is ALLOWED with respect to Count VII (breach of fiduciary trust), but is otherwise DENIED. (Thomas P. Billings, J.) Dated 2/27/18 Judge: Billings, Hon. Thomas P	59

Case Disposition

Disposition	Date	Case Judge
Pending	04/23/2014	

